

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Terrance Darnell McCall,

Plaintiff,

v.

Deputy Jeff Strickland; The Spartanburg  
County Sheriff's Department

Defendants.

Civil Action No.: 4:11-cv-1324-RMG


**ORDER**

Plaintiff brings this pro se action seeking relief pursuant to 42 U.S.C. § 1983, alleging excessive use of force during his arrest on February 9, 2010, and that his personal items have been unlawfully withheld. This case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C. Defendants have filed a motion for summary judgment (Dkt. No. 40) and Plaintiff has filed a response (Dkt. No. 44). The Magistrate Judge issued a Report and Recommendation recommending that summary judgment be granted as to all of Plaintiff's claims against the Spartanburg County Sheriff's Department and his claim for the return of his personal property and that summary judgment be denied as to Plaintiff's claim against Deputy Jeff Strickland for excessive force. (Dkt. No. 49). The parties were advised that any objections to the Report and Recommendation must be filed in writing within 14 days of service of the Report and Recommendation or face limited review by the District Court and waiver of the right of appeal. See Dkt. No. 49-1; *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). Notwithstanding

these instructions, Plaintiff and Defendants have failed to file any written objections to the Magistrate Judge's Report and Recommendation.

The Court has reviewed the record in this matter, the Report and Recommendation and the applicable law and hereby finds that the Report and Recommendation accurately summarizes the applicable factual and legal issues in this motion. Therefore, the Court hereby adopts the Report and Recommendation as the order of this Court. (Dkt. No. 49). For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that Defendants' motion for summary judgment be **GRANTED IN PART** as to all of Plaintiff's claims against the Spartanburg County Sheriff's Department and his claim for the return of his personal property and **DENIED IN PART** as to Plaintiff's claim against Deputy Jeff Strickland for excessive force.

**AND IT IS SO ORDERED.**

  
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The Honorable Richard Mark Gergel  
United State District Court Judge

Charleston, South Carolina  
June 27, 2012